



U.S. Department of Justice

Antitrust Division

Liberty Square Building

*450 5th Street, NW
Washington, DC 20001*

June 6, 2020

The Honorable Leda Dunn Wettre
United States District Court for the
District of New Jersey
Martin Luther King Building & U.S. Courthouse
50 Walnut Street
Newark, NJ 07101

Re: Roofer's Pension Fund v. Perrigo Company, plc, et al., No. 16-CV-02805-MCA-LDW Modified Request to Extend Limited Stay of Discovery

Dear Judge Wettre:

The United States writes to bring to the Court's attention recent developments in the related Multidistrict Litigation and to supplement the United States' June 3, 2020 request for an extension of the limited stay of discovery.

On June 3, 2020, the United States requested that the Court extend the limited stay of discovery entered by the Court on October 16, 2019 (the "October Order") until October 5, 2020, in the above-captioned action, as well as in the Individual Actions.¹ Civ.

¹ The Individual Actions are: *Carmignac Gestion, S.A. v. Perrigo Company plc, et al.*, No. 2:17-cv-10467-MCA-LDW, *Mason Capital L.P., et al. v. Perrigo Co. plc, et al.*, No. 2:18-cv-1119-MCA-LDW, *Pentwater Equity Opportunities Master Fund Ltd., et al. v. Perrigo Co. plc, et al.*, No. 2:18-cv-1121-MCA-LDW, *Harel Insurance Company, Ltd., et al. v. Perrigo Company plc, et al.*, No. 2:18-cv-02074-MCA-LDW, *First Manhattan Co. v. Perrigo Company plc, et al.*, No. 2:18-cv-02291-MCA-LDW, *TIAA-CREF Investment Management, LLC, et al. v. Perrigo Company plc, et al.*, No. 2:18-cv-08175-MCA-LDW, *Nationwide Mutual Funds, et al. v. Perrigo Company plc, et al.*, No. 2:18-cv-15382-MCA-LDW, *WCM Alternatives: Event-Driven Fund, et al. v. Perrigo Co., plc, et al.*, No. 2:18-cv-16204-MCA-LDW, *Hudson Bay Master Fund Ltd., et al. v. Perrigo Co., plc, et al.*, No. 2:18-cv-16206-MCA-LDW, *Schwab Capital Trust, et al. v. Perrigo Co. plc, et al.*, No. 2:19-cv-03973-MCA-LDW, *Sculptor Master Fund, Ltd. and Sculptor Enhanced Master Fund, Ltd. v. Perrigo Company plc, et al.*, No. 2:19-cv-04900-MCA-LDW, *Aberdeen Canada Funds-Global Equity Fund, et al. v. Perrigo Co. plc, et al.*, No. 2:19-cv-06560-MCA-LDW, *Discovery Global Citizens Master Fund, Ltd., et al. v. Perrigo Company plc, et al.*, No. 2:19-cv-21502, *York Capital Management, L.P. et al. v. Perrigo Company plc, et al.*, No. 2:19-cv-21732, *Burlington Loan Management DAC v. Perrigo Company plc, et al.*, No. 2:20-cv-01484, *Universities Superannuation Scheme Ltd. v. Perrigo Company plc, et al.*, No. 2:20-cv-02262, *Principal Funds, Inc. and*

A. No. 16-2805, ECF No. 274. The United States also informed the Court that a joint stipulated proposed order to extend the stay of depositions until October 5, 2020, had been submitted by the United States and the parties in the Multidistrict Litigation involving lawsuits alleging price fixing and other antitrust violations against several defendant generic pharmaceutical companies. *See, In re: Generic Pharmaceuticals Pricing Antitrust Litig.*, 2:16-MD-2724.

Consistent with this Court's October Order, the United States acknowledged that if the MDL court ruled in favor of a shorter extension period, the United States would agree to shorten the limited discovery stay in this case to make both stays coterminous. *See* October Order, Civ. A. No. 16-2805, ECF No. 220 ¶ 8 ("The terms of this limited stay of discovery in this case will not extend beyond any stay of discovery imposed in the [MDL litigation]."). The United States hereby notifies the Court that on June 5, 2020, the MDL court granted the requested limited stay of depositions until August 31, 2020. *See* Pretrial Order No. 126, *In re: Generic Pharmaceuticals Pricing Antitrust Litig.*, 2:16-MD-2724, ECF No. 1409.

For the reasons stated above, and in the United States' letter to the Court from June 3, 2020, the United States respectfully requests the Court extend the October Order until August 31, 2020.² In the alternative, the United States requests leave to file a motion to extend the October Order.

Respectfully submitted,

s/ Jesús M. Alvarado-Rivera

Jesús M. Alvarado-Rivera

Elizabeth A. Gudis

Trial Attorneys

U.S. Department of Justice

Antitrust Division

Counsel for Intervenor-United States

cc via ECF: Counsel for All Parties

Principal Variable Contracts Funds, Inc. v. Perrigo Company plc, et al., No. 2:20-cv-02410, *Highfields Capital LLP, et al. v. Perrigo Company plc, et al.*, No. 2:20-cv-02596, *Kuwait Investment Authority and Kuwait Investment Office v. Perrigo Company plc, et al.*, No. 2:20-cv-03431, *BlackRock Global Allocation Fund, Inc., et al. v. Perrigo Company plc, et al.*, No. 2:20-cv-04748.

² If the Court grants the extension of stay, the United States reserves the right to seek a further reasonable extension of the stay if warranted by circumstances. Conversely, if developments in the investigation obviate the need for the stay prior to August 31, 2020, the United States will notify the Court promptly.